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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/382,182	08/24/1999	YOSHIO HAGIWARA	12052.20US01	4904

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EXAMINER

GOUDREAU, GEORGE A

ART UNIT

PAPER NUMBER

1763

DATE MAILED: 06/06/2002

12

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	Applicant(s)	Off 12
09-382,182	Hagillard	
Examiner	Group Art Unit	
George Goudreau	1763	

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

Responsive to communication(s) filed on (3-02' to 4-02') (Ex-papers # 10-11)

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

Claim(s) 1,3-8 is/are pending in the application.  
Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 Claim(s) \_\_\_\_\_ is/are allowed.  
 Claim(s) 1,3-8 is/are rejected.  
 Claim(s) \_\_\_\_\_ is/are objected to.  
 Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

### Application Papers

- The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.
- The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

All  Some\*  None of the:

Certified copies of the priority documents have been received.  
 Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
 Copies of the certified copies of the priority documents have been received  
in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

### Attachment(s)

Information Disclosure Statement(s), PTO-1449, Paper No(s). 11  International Summary, PTO-413  
 Notice of Reference(s) Cited, PTO-892  Notice of Informal Patent Application, PTO-152  
 Notice of Draftsperson's Patent Drawing Review, PTO-948  Other \_\_\_\_\_

## Office Action Summary

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15. This action will not be made final due to the new grounds of rejection.
16. Applicant's arguments with respect to claims of record have been considered but are moot in view of the new ground(s) of rejection.
17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 1, and 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu (6,387,819).

Yu discloses a process for making a Cu dual damascene structure on a wafer which is comprised of the following steps:

- A laminate of SiO<sub>2</sub> (115)/a low K dielectric material (10)/SiO<sub>2</sub> (20) is formed onto the surface of a wafer (15). The low K dielectric material has a dielectric constant less than 3.2; and may be made out of a Si containing organic polymer as well as other materials.;
- A patterned photo resist layer (25) is formed onto the surface of the laminate.;
- The laminate is etched down to the surface of the SiO<sub>2</sub> layer (105) using the patterned photo resist etch mask (25) using a multi-step etching process.;
- The laminate is reshaped to form the opening for a dual damascene structure using the resist etch mask (25), and a sacrificial layer which has been deposited inside of the opening used to form the damascene structure.;

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-The photo resist etch mask, and the sacrificial layer are removed from the surface of the wafer using an ashing process.; and

-A Cu layer (10) is used to fill the damascene openings in the ILD layer (95) on the wafer surface to form a Cu damascene (10).

This is discussed specifically in columns 1, 4-8; and discussed in general in columns 1-16.

This is shown in figures 1-5. Yu fails, however, to specifically disclose the following aspects of applicant's claimed invention:

-the specific ashing of the photo resist etch mask using the specific process conditions which are claimed by the applicant;

-the specific methods for forming the low K dielectric layer which are claimed by the applicant; and

-the specific production of a low K dielectric with the specific dielectric constants, and C contents which are claimed by the applicant

It would have been obvious to one skilled in the art to form the SOG layers in the process taught above such that they have the specific dielectric constants, and carbon contents which are claimed by the applicant based upon the following. It would have been desirable to form the SOG layer in the process taught above such that the SOG layer provides adequate insulation between adjacent circuitry in order to prevent the undesirable cross talk between adjacent layers of circuitry.

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It would have been obvious to one skilled in the art to form the SOG layers in the process taught above using the specific methods which are claimed by the applicant based upon the following. The specific methods which are claimed by the applicant for forming the SOG layer are conventional or at least well known in the semiconductor processing arts. (The examiner takes official notice in this regard.) Further, this simply represents the usage of an alternative, and at least equivalent means for forming the SOG layer in the process taught above to the specific usage of other such means.

It would have been obvious to one skilled in the art to use an O2 plasma to ash the photo resist etch mask in the resist ashing process taught above based upon the following. The usage of an O2 resist ashing process to strip a photo resist layer is conventional or at least well known in the resist ashing arts. (The examiner takes official notice in this regard.) Further, this simply represents the usage of an alternative, and at least equivalent means for stripping the photo resist etch mask in the process taught above to the specific usage of other such means.

It would have been *prima facie* obvious to employ any of a variety of different process parameters in the O2 ashing step in the process taught above including those which are claimed by the applicant. These are all well known variables in the resist ashing art which are known to effect both the rate and quality of the resist ashing process. Further, the selection of particular values for these variables would not necessitate any undo experimentation which would be indicative of a showing of unexpected results.

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Alternatively, it would have been obvious to one skilled in the art to employ the specific process parameters which are claimed by the applicant in the resist ashing process taught above based upon In re Aller as cited below.

“Where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation.” In re Aller, 220 F. 2d 454, 105 USPQ 233, 235 (CCPA).

Further, all of the specific process parameters which are claimed by the applicant for their resist ashing step are results effective variables whose values are known to effect both the rate, and the quality of the resist ashing step.

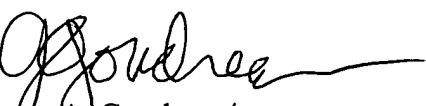
19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner George A. Goudreau whose telephone number is (703) -308-1915. The examiner can normally be reached on Monday through Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Examiner Gregory Mills, can be reached on (703) -308-1633. The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) -306-3186.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) -308-0661.



George A. Goudreau/gag

Primary Examiner

AU 1763